

### REMARKS

Entry of the foregoing, re-examination and reconsideration of the subject matter identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.112, and in light of the remarks which follow, are respectfully requested.

By the present amendment, Applicants have amended claims 6, 11 and 12 for grammatical purposes. Claims 11 and 12 have been amended to indicate that the content of acidic monomer is greater than 0%.

New claims 21 and 22 have been added. Support for claim 21 may be found in paragraphs [0026] and [0031] on pages 11 and 13 of the specification. Claim 22 finds support in paragraphs [0037] and [0038] on pages 15-16 of the specification. Claims 1-22 will be pending in this application upon entry of the present amendment.

Claims 1-12 were rejected under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 5,763,130 (Sasaki et al) in view of U.S. Patent No. 6,037,090 (Tanaka et al) for the reasons given in paragraph (3) of the Office Action. Claims 13-20 were rejected under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 5,789,131 (Mikuriya et al) in view of Sasaki et al '130 for the reasons set forth on page 3 of the Official Action. Reconsideration and withdrawal of these rejections are respectfully requested for at least the reasons which follow.

Sasaki et al '130 discloses an encapsulated toner comprising a core material and a shell composed of an amorphous polyester which may contain tertiary amine groups. However, Sasaki et al '130 does not disclose or suggest adjusting the amine value to provide a toner having a superior low-temperature fixing property, a superior fixing separation property and an excellent anti-offset property while maintaining a proper positive chargeability.

In Table 2 (column 18), Polyester Resins D, E and F have an amine value as set forth in the Table. However, the amount of Polyester Resin D, E and F used to make the toners is

relatively low such that the toners do not have amine values within the scope of the present claims. Thus, Example 5 uses 20 parts by weight of Resin D and 3.5 parts by weight of 2,2'-azobisisobutyronitrile, 69.0 parts by weight of styrene, 31.0 parts by weight of 2-ethylhexyl acrylate, 0.9 parts by weight of divinylbenzene, 7.0 parts by weight of carbon black and 0.4 parts by weight of external additive. Therefore, the amine value is 1.9 ( $= (20/128.36) \times 12.3$  (amine value of Resin D)). Similarly, the amine value of toner in Example 6 is about 1.7 and the amine value of toner in Example 7 is about 2.1.

Tanaka et al '090 discloses a negatively chargeable toner. An amine value is provided by a dispersant polymer for dispersing a colorant. Tanaka et al '090 does not disclose or suggest controlling the amine value of a toner as in the present invention. In the Example, the amine value of toner would be expected to be well outside the range of the present claims. For example, based on Table 1, the toner of Example 1 would appear to have an amine value of 0.04 ( $= 48 \times (\text{dispersant polymer, 0.9 parts}) / (\text{toner 100 parts})$ ).

Accordingly, neither Sasaki et al '130 or Tanaka et al '090 discloses or suggests a toner having an amine value within the ranges recited in the present claims. The Examples in the present specification show the excellent effects that can be achieved by maintaining an amine value within the scope of the present invention. Note the data in Tables 1 and 2 including Comparative Examples 1 and 2 on pages 41 and 47. The fact that the low-temperature fixing property can be vastly improved by operating in the range of the amine value in the present claims is not disclosed in the cited references.

Moreover, Sasaki et al '130 stresses that the amine compound is incorporated in order to provide positive chargeability (column 7, lines 32-49). Tanaka et al '090 relates to a negatively chargeable toner. The toners of the cited references may have an amine value. However, the toner of Sasaki et al '130 and the toner of Tanaka et al '090 relate to toners

having properties which conflict with each other. Accordingly, there would have been no motivation to those skilled in the art to combine these cited references and arrive at an amine value within the presently claimed ranges.

Turning to the rejection of method claims 13-20, neither Mikuriya et al '13 or Sasaki et al '130 disclose or suggest the claimed method wherein the resin particles and colorant particles are aggregated to form the toner.

For at least these reasons, the §103(a) rejection of claims 1-12 based on Sasaki et al '130 in view of Tanaka et al '090, and claims 13-20 based on Mikuriya et al '131 in view of Sasaki et al '130, should be reconsidered and withdrawn. Such action is earnestly solicited.

Claims 1-12 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as unpatentable over claims 1-10 of copending Application No. 11/080,542 (U.S. Published Patent Application No. 2005-0208408).

The present application is assigned to Konica Minolta Business Technologies, Inc. by virtue of an assignment recorded in the U.S. Patent and Trademark Office March 3, 2004 on Reel 015040, Frame 0832. U.S. Application No. 11/080,542 (Publication No. 2005/0208408) is assigned to Ricoh Company, Ltd. by virtue of an assignment recorded in the Patent Office May 18, 2005 on Reel 016584, Frame 0177. Thus, these applications are not commonly owned.

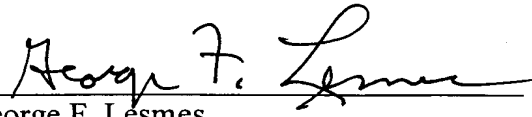
Accordingly, it is requested that the provisional obviousness-type double patenting rejection be withdrawn.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at (703) 838-6683 at his earliest convenience.

Respectfully submitted,

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